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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/537,624	06/03/2005	Eric Chemisky	S3-02P14125	8389
24131	7590	11/13/2007	EXAMINER	
LERNER GREENBERG STEMER LLP			ROMAN, LUIS ENRIQUE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/537,624	CHEMISKY ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Luis Roman	2836

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 July 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 21-29, 31, 34 and 36-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 21-29, 31, 34 and 36-41 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

Applicant amendment filed on 07/24/07 has been entered. Accordingly claim 40 has been amended; claims 23-28 have been kept original, claims 21-22 have been previously presented, claims 29, 31, 34 & 36-39 have been allowable and claims 30, 32-33 & 35 have been cancelled. New claim 41 has been added. It also included remarks/arguments.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 21-28 & 40** are rejected under 35 U.S.C. §103(a) as being unpatentable over Rueger (US 6498418) in view of Giorgetta et al. (US 5173832) and Rueger et al. (US 6619268).

Regarding claim 21 Rueger discloses a method (a person of the ordinary skill will understand a method that is intrinsically described by the functioning of the apparatus) of monitoring an actuator connected in an actuator circuit (Abstract), the method which comprises: measuring a first electrical current flowing through the actuator (Col. 3 lines 3-12 & Fig. 2 element 620, 320); measuring a second electrical current (Col. 7 lines 32-33 & Fig. 2 element 650) flowing in the actuator circuit (Fig. 2) before or after the actuator, comparing the first and second electrical currents for detection of a fault (Col. 3 lines 3-5); measuring a voltage in the actuator circuit (Col. 7 lines 35-37 & Fig. 2 element 640).

Rueger does not disclose wherein integrating the first current over a given period of time resulting in a charge value and generating a diagnostic signal in dependence on the voltage in the actuator circuit, the diagnostic signal assuming any of at least four mutually different values respectively indicating a ground short circuit, a short circuit to a supply voltage, a short across the actuator, or an error-free state in dependence on an outcome of the comparing step.

Rueger et al. teaches a method an apparatus for driving actuators wherein integration of the current is performed resulting in a charge quantity (Col. 29 lines 53-57 & Fig. 11 element 980).

Giorgetta et al. teaches an electronic power circuit for the detection and diagnosis of faults and the related method (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Rueger device with the teachings of Rueger et al. because it allows an improve measurement of the charge quantity (Rueger et al. <Col.30 lines 22-23>) an further with Giorgetta et al. device features because it provides a more complete set of fault detections which will ensure a better functioning/protection of the device.

Regarding claim 22 Rueger in view of Giorgetta et al. and Rueger et al. discloses the monitoring method according to claim 21.

Rueger further discloses wherein the diagnostic signal is configured to assume the at least four mutually different values in dependence on the outcome of comparing the measured first and second currents (Fig. 2 elements 620, 650), to distinguish between a voltage short circuit to a first voltage and a voltage short circuit to a second voltage (Fig. 2 elements 610, 630).

Regarding claim 23 Rueger in view of Giorgetta et al. and Rueger et al. discloses the monitoring method according to claim 21.

Giorgetta et al. further discloses which comprises measuring a voltage increase and generating the diagnostic signal in dependence on the voltage increase (Col. 5 lines 16-27).

Regarding claim 24 Rueger in view of Giorgetta et al. and Rueger et al. discloses the monitoring method according to claim 21.

Rueger further discloses which comprises measuring the voltage in the actuator circuit during a charging process (Col. 6 lines 50-61).

Giorgetta et al. further discloses which comprises measuring the voltage in the actuator circuit (Fig. 2 elements 13A<comparing voltages>), and generating the diagnostic signal in dependence on the measured voltage (Fig. 2 elements DIAG A-B <signal generated accordingly>).

Regarding claim 25 Rueger in view of Giorgetta et al. Rueger et al. discloses the monitoring method according to claim 21.

Rueger further discloses which comprises measuring the voltage in the actuator circuit between a charging process and a discharging process (Col. 6 lines 50-61).

Giorgetta et al. further discloses generating the diagnostic signal in dependence on the measured voltage (Fig. 2 elements DIAG A-B <signal generated accordingly>).

Regarding claim 26 Rueger in view of Giorgetta et al. Rueger et al. discloses the monitoring method according to claim 21.

Rueger further discloses which comprises measuring the first and second currents flowing in the actuator circuit at two ground-side measuring points (Fig. 2 elements 620, 650).

Regarding claim 27 Rueger in view of Giorgetta et al. Rueger et al. discloses the monitoring method according to claim 21.

Rueger further discloses which comprises measuring the first and second currents flowing in the actuator circuit at two voltage-side measuring points (Fig. 2 elements 610<load voltage side>, 630<power source voltage side>).

Regarding claim 28 Rueger in view of Giorgetta et al. Rueger et al. discloses the monitoring method according to claim 21.

Rueger further discloses which comprises measuring one of the first and second currents at a ground-side measuring point (Fig. 2 element 620) and measuring one of the first and second currents at a voltage-side measuring point (Fig. 2 element 650<power source voltage side>).

Regarding claim 40 Rueger in view of Giorgetta et al. Rueger et al. discloses the monitoring method according to claim 21. Rueger further discloses resistors for measuring currents (Col. 6 lines 50-54) and Giorgetta et al. further discloses a sensor means for measuring a current (Claim 1) which are not specifically a transformer for measuring current but is well known in the art that resistors, current transformers and other devices may be used to measure currents. The advantage of transformers is that there is not electrical coupling.

***Allowable Subject Matter***

**Claims 29, 31, 34 & 36-39 allowed.**

***Response to Arguments***

Applicant's arguments filed 07/24/07 have been fully considered but they are not persuasive.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The examiner wants to notice that the rejection relies in 35 USC § 103, which is a combination of two or more references/teachings; in this rejection the examiner applies the teachings of three references:

Rueger'418 teaches the configuration of the actuators/sensors only (Fig. 2).

Giorgetta et al.'832 teaches the diagnosis output only. In other words, once the signals are obtained from detection, comparison, evaluation and logic circuitry to generate a diagnosis. This diagnosis is able to distinguish if there is normal operation, short circuit to power supply, short circuit to ground or an open circuit (Table bottom Col. 4).

Rueger et al.'268 teaches the integration of a current to produce a compensation on the temperature effects (the current  $i$  is function of a charge  $q$ , since  $i = \Delta q / \Delta t$  in other words  $\int i \cdot \Delta t = \int \Delta q = q$ , this integration is done to determine the effect of the temperature on the device, to produce a compensation. Note that a diagnosis is intrinsically taught in this process because any time a measurement is taken to produce an action there is diagnosis involved to perform an output accordingly. As a result the charge is involved in a diagnosis.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luis E. Román whose telephone number is (571) 272-5527. The examiner can normally be reached on Mon – Fri from 7:15 AM to 3:45 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Sherry can be reached on (571) 272-2084. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Information regarding the status of an application may be obtained from Patent Application Information Retrieval (PAIR) system.

Status information for unpublished applications is available through private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

Luis E. Román  
Patent Examiner  
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LR/101207

ROBERT L DEPERADINIS  
PRIMARY EXAMINER  
